

***PROPOSED REGULATION OF THE
BOARD FOR THE REGULATION OF LIQUEFIED PETROLEUM GAS***

LCB FILE NO. R168-18I

***The following document is the initial draft regulation proposed
by the agency submitted on 06/26/2018***

NAC 590.100 Definitions. (NRS 590.505) As used in NAC 590.100 to 590.690, inclusive, unless the context otherwise requires, the words and terms defined in NAC 590.110 to 590.190, inclusive, have the meanings ascribed to them in those sections.

(Supplied in codification; A by Bd. for Reg. of Liquefied Petrol. Gas, 7-19-90; 5-27-92; R141-01, 7-30-2002; R014-03, 2-18-2004; R148-05, 2-23-2006)

NAC 590.110 “Approved” defined. (NRS 590.505) “Approved” means approval by the Board.
[Liquefied Petroleum Gas Bd., part Definitions, eff. 5-31-74]

NAC 590.120 “Board” defined. (NRS 590.505) “Board” means the Board for the Regulation of Liquefied Petroleum Gas.

[Liquefied Petroleum Gas Bd., part Definitions, eff. 5-31-74] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-23-91; 5-27-92)

NAC 590.130 “Building” defined. (NRS 590.505) “Building” means any structure that is used or intended for supporting or sheltering any use or occupancy.

[Liquefied Petroleum Gas Bd., part Definitions, eff. 5-31-74] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-23-91)

NAC 590.140 “Container” defined. (NRS 590.505) “Container” has the meaning ascribed to it in Publication 58, *Liquefied Petroleum Gas Code*, issued by the National Fire Protection Association.

[Liquefied Petroleum Gas Bd., part Definitions, eff. 5-31-74] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-23-91; R014-03, 2-18-2004)

NAC 590.150 “Cylinder” defined. (NRS 590.505) “Cylinder” has the meaning ascribed to it in Publication 58, *Liquefied Petroleum Gas Code*, issued by the National Fire Protection Association.

[Liquefied Petroleum Gas Bd., part Definitions, eff. 5-31-74] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-23-91; R014-03, 2-18-2004)

NAC 590.160 “LP gas” defined. (NRS 590.505) “LP gas” has the meaning ascribed to it in subsection 2 of NRS 590.475.

[Liquefied Petroleum Gas Bd., part Definitions, eff. 5-31-74] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-23-91)

NAC 590.190 “Property line” defined. (NRS 590.505) “Property line” means a line, imaginary or otherwise, separating a property from that of public or other ownership.

[Liquefied Petroleum Gas Bd., part Definitions, eff. 5-31-74]

Licensing and Practice

NAC 590.235 Unlicensed installation, facility or service: Operation or supply unlawful; recovery of license fees and investigative costs and imposition of penalty fees. (NRS 590.505, 590.515, 590.535)

1. It is unlawful for a person or business to operate or supply an unlicensed installation, facility or service that is required to be licensed pursuant to NRS 590.535.

2. The Board may:

(a) Recover license fees and investigative costs from, and impose penalty fees on, unlicensed dealers, sellers, installations and facilities.

(b) Recover investigative costs from and impose penalty fees on a person or business that supplies an unlicensed dealer, seller, installation or facility.

3. The license fee recovery is the sum of the current license fee multiplied by the number of years of unlicensed operation. The amount of the penalty fee is the license fee recovery multiplied by five.

4. For the purposes of calculating the license fee recovery and penalty fees pursuant to this section, a minimum of 1 day of unlicensed operation is necessary to establish 1 year of unlicensed operation.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R148-05, eff. 2-23-2006; A by R073-10, 12-16-2010)

NAC 590.237 Administrative fines and other sanctions. (NRS 590, 535, NRS 590.537, NRS 590.605)

1. *In lieu of filing a formal disciplinary Complaint, the Board staff may issue a citation to a licensee and require payment of an administrative fine in the amount set forth below for violations of the specified provisions. The Board staff may also recover its investigative costs from the disciplinary fine.*

2. *Upon receipt of a citation, the recipient may, within 30 days after receipt of the citation, petition the Board in writing for a hearing.*

3. *Upon filing the petition, the matter will be set on the agenda at the next calendared meeting of the Board, or not longer than 45 days after the date on which the petition was filed.*

4. *Within 60 days after the hearing, the Board shall make written findings of fact and conclusions.*

Authority	Infraction	1st Offense	2nd Offense	3rd Offense
NAC 590.235	Supplying an unlicensed Class 1 installation	\$5,000	\$10,000	\$20,000
NAC 590.235	Supplying an unlicensed Class 2A installation	5,000	10,000	20,000
NAC 590.235	Supplying an unlicensed Class 2B installation	500	1,000	2,000
NAC 590.235	Supplying an unlicensed Class 4 installation	1,000	2,000	4,000
NAC 590.235	Supplying an unlicensed Class 5 installation	2,500	5,000	10,000
NAC 590.235	Operating an unlicensed Class 1 installation	5,000	10,000	20,000
NAC 590.235	Operating an unlicensed Class 2A installation	5,000	10,000	20,000
NAC 590.235	Operating an unlicensed Class 3A installation	1,000	2,000	4,000
NAC 590.235	Operating an unlicensed Class 3B installation	1,000	2,000	4,000
NAC 590.235	Operating an unlicensed Class 3C installation	5,000	10,000	20,000
NAC 590.235	Operating an unlicensed Class 3D installation	1,000	2,000	4,000
NAC 590.235	Operating an unlicensed Class 3E installation	1,000	2,000	4,000
NAC 590.235	Operating an unlicensed Class 2B installation	500	1,000	2,000
NAC 590.235	Operating an unlicensed Class 4 installation	1,000	2,000	4,000
NAC 590.235	Operating an unlicensed Class 5 installation	2,500	5,000	10,000
NRS 590.525	Failure to install or maintain equipment properly	500	1,000	1,500
NRS 590.537(1)	Filling a container without owner's permission	500	500	500
NRS 590.537(1)	Failure to remove a container at no charge	500	500	500
NRS 590.537(2)	Failure to refund for the tank rent or propane	500	500	500
NRS 590.537(3)	Failure to mail refund within 15 days	500	500	500
NAC 590.250	Failure to submit plans before commencement of	2,500	2,500	2,500

	construction			
NAC 590.253(2)	Allowing an unqualified person to perform a safety sensitive function	500	1,000	2,000
NAC 590.260(1)	Failure to maintain personnel in territory that are qualified to respond to an emergency	1,000	1,000	1,000
NAC 590.260(2)	Failure to report residence change of manager or agent within 10 days	100	200	400
NAC 590.270	Failure to maintain insurance	250	500	1,000
NAC 590.280	Failure to disclose information	100	200	400
NAC 590.290(1)	Failure to disclose information	100	200	400
NAC 590.290(2)	Failure to provide assistance in an emergency	500	1,000	2,000
NAC 590.290(3)	Failure to provide 48 hour notice prior to disconnection of service	100	200	400
NAC 590.450	Installation for resale without approval	250	500	1,000
NAC 590.452	Installing or modifying equipment without permission	250	500	1,000
NAC 590.454	Failure to provide one point of shutoff	250	500	1,000
NAC 590.456	Failure to maintain clearance or signage at cylinder exchange cabinet	100	200	400
NAC 590.460	Installation of substandard bulkhead	1,000	2,000	4,000
NAC 590.480	Failure to obtain permission to install or remove an underground tank	100	200	400
NAC 590.520	Failure to report an accident	1,000	1,000	1,000
NAC 590.560(1)	Failure to secure a container after disconnection	250	250	250
NAC 590.560(2)	Failure to remove a container within 30 days	500	500	500
NAC 590.560(4)	Charging a fee for termination of service	500	500	500

NAC 590.240 Fees; reduction in certain fees for holder of multiple classifications at same location. (NRS 590.505, 590.515, 590.549)

1. Except as otherwise provided in subsection 2, the Board will charge and collect the following fees:

Class 1A:	
Fee for an application for a license.....	\$70
Annual fee for a license for a dealer who sells or distributes 250,000 gallons or more of LP gas.....	925
Fee for inspecting each storage tank, plant facility or truck tank.....	105
Class 1B:	
Fee for an application for a license.....	70
Annual fee for a license for a dealer who sells or distributes less than 250,000 gallons of LP gas.....	660
Fee for inspecting each storage tank, plant facility or truck tank.....	105
Class 2A:	
Fee for an application for a license.....	70
Annual fee for a license for a business engaged in the delivery of prefilled LP gas exchange cylinders.....	135
Fee for inspecting each site for the storage of prefilled cylinders.....	105
Class 2B:	
Fee for an application for a license.....	70
Annual fee for a license for a business engaged in the operation of an LP gas cylinder exchange site.....	65
Fee for inspecting each site where a cabinet for the storage of cylinders which are available for exchange or sale is located.....	50
Class 3A:	
Fee for an application for a license.....	70
Annual fee for a license for a business engaged in the installation or repair of LP gas vapor piping, appliances or venting.....	135
Class 3B:	
Fee for an application for a license.....	70
Annual fee for a license for a business engaged in the installation or repair of LP gas systems installed on recreational vehicles.....	135
Class 3C:	
Fee for an application for a license.....	70
Annual fee for a license for a business engaged in the installation or repair of LP gas industrial facilities.....	135
Class 3D:	
Fee for an application for a license.....	70
Annual fee for a license for a business engaged in the installation of LP gas vehicle fuel systems.....	135
Class 3E:	
Fee for an application for a license.....	70
Annual fee for a license for a business not engaged in the sale of LP gas but engaged in the sale or installation of gas equipment that the Board determines requires a special license.....	135
Class 4:	
Fee for an application for a license.....	70
Annual fee for a license for a business that operates a dispenser at a fixed	135

location for the resale of propane to the public.....	
Fee for inspecting each dispensing unit.....	105
Class 5:	
Fee for an application for a license.....	70
Annual fee for a license for a business engaged in activities relating to LP gas which the Board determines requires a special license..	135
Fee for inspecting each storage tank or vaporizer.....	105
	plus any other expenses related to the inspection.
Miscellaneous Fees:	
Fee for an application for a variance.....	70
	plus any other expenses related to the variance.
Fee for an application for a certificate of competency.....	70
Fee for the issuance or renewal of a certificate of competency.....	35

2. The Board will reduce the license and inspection fees charged to a holder of multiple classifications at the same physical location by 15 percent of the total amount of license and inspection fees that would otherwise be charged to the holder.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas, eff. 12-17-87; A 12-23-91; 12-13-95; R141-01, 7-30-2002; R014-03, 2-18-2004; R148-05, 2-23-2006; R073-10, 12-16-2010)

NAC 590.241 Payment of charges billed to licensee by Board; resolution of disputed charges.
(NRS 590.505, 590.515,
590.605)

1. All charges billed to a licensee by the Board are due upon receipt of the bill by the licensee. Except as otherwise provided in subsection 2, if a licensee fails to pay a charge billed to him or her by the Board within 90 days of the date the charge was sent to the licensee by the Board, the Board will suspend the license of the licensee.

2. If a licensee disputes a charge billed to him or her by the Board, the licensee may request a hearing before the Board to resolve the charge. The licensee must request the hearing in writing and must cause the request to be received by the Board before the expiration of the 90-day period described in subsection 1. Upon receipt of a request that meets the requirements of this subsection, the Board will schedule a hearing for the licensee at the next available regularly scheduled meeting of the Board and will not suspend the license of the licensee for failure to pay the disputed charge before the date of the hearing. The Board will conduct the hearing in accordance with NAC 590.644 to 590.690, inclusive, as applicable.

3. The provisions of this section do not apply to license fees.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R148-05, eff. 2-23-2006)

NAC 590.243 Period of validity of license. (NRS 590.505, 590.515, 590.549) A license issued pursuant to the provisions of NRS 590.465 to 590.645, inclusive, is valid for 1 year and expires on the last day of the month the license was issued.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R148-05, eff. 2-23-2006)

NAC 590.245 Renewal of expired license; fees. (NRS 590.505, 590.515, 590.549) The holder of a license who fails to renew the license before the license expires may have his or her license reinstated if, within 30 days after the license expires, the holder of the license pays to the Board an amount equal to 115 percent of the annual fee for the license and a reinstatement fee of \$250. If the holder does not have his or her license reinstated within 30 days after it expires, the holder must apply for a new license and pay the fees for the issuance of a new license.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R141-01, eff. 7-30-2002)

NAC 590.250 Plans required to be submitted with application for class 1, 2, 4 or 5 license; approval of plans. (NRS 590.505, 590.515, 590.549) Detailed plans of the physical properties and facilities of any applicant or licensee must be submitted with each application for a class 1, 2, 4 or 5 license and must be approved by the Board before the commencement of construction or installation of any facilities. When required because of a structural modification of the original design, issues relating to safety, or the application or standards of engineering load practice, such plans must be approved by a professional engineer licensed pursuant to chapter 625 of NRS before they are submitted to the Board.

[Liquefied Petroleum Gas Bd., part Liquid Gas Reg., eff. 5-31-74] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-23-91; 12-13-95; R014-03, 2-18-2004)

NAC 590.253 Qualified persons: Connection with or employment by licensee or applicant required for issuance or renewal of certain licenses; performance of safety sensitive functions. (NRS 590.505, 590.515)

1. The Board will not issue or renew a class 1A, 1B, 2A, 3A, 3B, 3C, 3D or 3E license unless the applicant or licensee establishes that at the time of issuance or renewal of the license at least one qualified person is connected with or employed by the licensee or applicant.

2. A licensee who holds a class 1A, 1B, 2A, 3A, 3B, 3C, 3D or 3E license shall allow only a qualified person employed by the licensee to perform safety sensitive functions.

3. As used in this section:

(a) "Qualified person" means a person who holds a certificate of competency which corresponds to the type of work performed by the person.

(b) "Safety sensitive function" means:

(1) The delivery of LP gas to a container.

(2) The manufacture, fabrication, assembly, installation or repair of any system, container, apparatus or appliance for the storage, transportation, dispensation or utilization of LP gas.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R073-10, eff. 12-16-2010)

NAC 590.260 Residence. (NRS 590.505, 590.515)

1. Every person licensed under the Nevada Liquefied Petroleum Gas Act, NRS 590.465 to 590.645, inclusive, or in the case of a licensed company or corporation, its authorized manager or agent, shall:

(a) Maintain ~~{an}~~ *suitable emergency personnel with an* actual bona fide residence within the immediate area or territory of his or her petroleum business *who is* ~~{and}~~ personally ~~{be}~~ qualified and available to cope with any emergency connected with the business; or

~~—{(b) Have available personnel who are qualified for any emergency within the meaning of the Act.}~~

2. Any transfer or change in the residence of the *emergency personnel* ~~{licensee, or the manager or agent of a licensed company or corporation, outside the immediate area of the business}~~ must be reported to the Board no later than 10 days *prior to the change.* ~~{after actual removal or transfer from the location or address filed with the Board.}~~

[Liquefied Petroleum Gas Bd., part Liquid Gas Reg., eff. 5-31-74]

NAC 590.270 Insurance. (NRS 590.505, 590.515, 590.549) Licensed firms must have insurance against liability for injury to persons and damage to property. The insurance must be kept and remain in force during the lifetime of the operation. Certificates showing such coverage must be on file in the office of the Board and in the office of the company. No license or renewal of a license will be issued without satisfactory proof of insurance unless the Board agrees to the financial responsibility of the applicant. The certificate can be either forwarded to the Board by the licensee or by the insurance company covering the operation of the licensee before the expiration of his or her license. The licensee must include a proof of insurance form with the licensee's request for renewal.

[Liquefied Petroleum Gas Bd., Rule 13, eff. 5-31-74] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-23-91)

NAC 590.280 Holder of class 1A, 1B or 2A license: Disclosure of information; notification of new customer by licensee. (NRS 590.505, 590.515, 590.575)

1. Each person who holds a class 1A, 1B or 2A license shall disclose the following information to his or her customers and prospective customers:

(a) The prices per unit of sales of LP gas, the effective dates of those prices and any figures required to convert those prices to prices per gallon, cubic feet or therms.

(b) Any charges for services, including, without limitation:

(1) The amount and description of all charges for deliveries, including, without limitation:

(I) Charges for deliveries which are not on a scheduled route.

(II) Charges for minimum deliveries.

(III) Charges for deliveries made on weekends or after hours.

(2) Initial charges and conditions for beginning service.

(3) Charges for labor.

(c) The annual fee for leasing a container for the storage of LP gas.

2. Each time LP gas is delivered to a customer, a person who holds a class 1A, 1B or 2A license shall disclose upon the delivery ticket or sales receipt:

(a) The volume of LP gas delivered;

(b) The price per gallon, cubic foot or therm of LP gas delivered; and

(c) The total amount of the sale.

3. The information required to be disclosed pursuant to subsection 1 must be:

(a) Disclosed by telephone request.

(b) Printed in a standard format established by the licensee and displayed conspicuously in the licensee's place of business not later than the beginning of the business day on which the prices and charges become effective. The licensee may include any additional information if he or she so desires.

4. A licensee shall notify each new customer that the Board has published a "Consumer Bill of Rights" and that a copy may be obtained from the Board at the Internet address <http://www.lpg.nv.gov> or by calling the Board at (775) 687-4890.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas, eff. 7-19-90; A 10-17-94; R141-01, 7-30-2002; R073-10, 12-16-2010)

NAC 590.290 Holder of class 1 or class 2 license: Provision of certain information and notice; response to certain requests. (NRS 590.505, 590.515, 590.575) A person licensed by the Board pursuant to NRS 590.575 in class 1 or class 2 shall:

1. Provide each of his or her customers and prospective customers with a written description of the minimum services the customer may reasonably expect to receive from the licensee;

2. Provide immediate response, regardless of the time of day, to a request for assistance in an emergency from any public safety agency or his or her customers regarding the use or storage of LP gas; and

3. If disconnection was not requested by the customer, notify the customer at least 48 hours in advance before disconnecting the service to that customer.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas, eff. 5-27-92)

NAC 590.311 Certificate of competency: Types. (NRS 590.505, 590.515, 590.549) The Board may grant the following certificates of competency:

1. Type LEGAL, to a person who is engaged in the management of a business with a classification of 1A, 1B or 2A.

2. Type CYLINDER, to a person who is engaged in the repair, installation, filling and delivery of LP gas exchange cylinders.

3. Type PIPING, to a person who is engaged in the installation or repair of LP gas piping.

4. Type RECREATIONAL VEHICLE, to a person who is engaged in the installation or repair of LP gas systems on recreational vehicles.

5. Type INDUSTRIAL, to a person who is engaged in the installation or repair of LP gas industrial facilities, bulk plants, vaporizers and dispensers.

6. Type CARBURETION, to a person who is engaged in the installation of LP gas vehicle fuel systems.

7. Type INSTALL, to a person who is engaged in the installation or repair of LP gas containers, the installation of regulators, the performance of leak checks and the placement of appliances back into service.

8. Type BULK, to a person who is engaged in the bulk delivery of LP gas, the performance of leak checks and the placement of appliances back into service.

9. Type RAIL, to a person who is engaged in the unloading of LP gas railroad tank cars and the loading and unloading of LP gas cargo tanks.

10. Type APPLIANCE, to a person who is engaged in the installation or repair of LP gas appliances.

11. Type VENTING, to a person who is engaged in the installation or repair of LP gas appliance venting.

12. Type FLAME EFFECTS, to a person who is engaged in the installation or operation of LP gas flame effects.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R148-05, eff. 2-23-2006; A by R073-10, 12-16-2010)

NAC 590.315 Certificate of competency: Application; reexamination without additional fee; additional certificate of competency without additional fee. (NRS 590.505, 590.515, 590.549, 590.555)

1. An applicant for a certificate of competency must submit an application to the Board before taking the examination for the certificate of competency.

2. The application must be accompanied by the appropriate application fee.

3. Each application is valid for the initial administration of the examination for one certificate of competency. If the applicant does not pass such an examination, the applicant may retake that examination not more than twice without paying an additional fee if he or she retakes the examination within 90 days after initially taking the examination.

4. Each person who holds a certificate of competency granted pursuant to NAC 590.311 may apply for an additional certificate of competency pursuant to this section without paying an additional fee.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R148-05, eff. 2-23-2006; A by R073-10, 12-16-2010)

NAC 590.320 Certificate of competency: Examination of applicant or holder; waiver of examination. (NRS 590.505, 590.515, 590.549)

1. Except as otherwise provided in subsection 2, each applicant for a certificate of competency must submit to an oral or written examination, or both.

2. The Board may waive the examination requirement set forth in subsection 1 if an applicant submits to the Board proof that the applicant is certified by a public agency or private entity which the Board determines imposes requirements for certification that are substantially similar to the examination requirements established by the Board.

3. The Board may, upon good cause shown, require the holder of a certificate of competency to submit to an oral or written examination, or both. The Board will provide to the holder at least 30 days' written notice of the time and place of the examination.

4. The Board will establish and maintain a list of all certifications that the Board determines satisfy the requirements of subsection 2. If the certification an applicant seeks to use for the purposes of subsection 2 is not on the list, the applicant may request that the Board review and approve the certification held by the applicant.

[Liquefied Petroleum Gas Bd., Rule 9 § B, eff. 5-31-74] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-13-95; R141-01, 7-30-2002; R148-05, 2-23-2006; R073-10, 12-16-2010)

NAC 590.340 Certificate of competency: Issuance. (NRS 590.505, 590.515, 590.549) Upon qualification or renewal as provided in NAC 590.311 to 590.380, inclusive, a person will receive a certificate of competency, properly dated and numbered, from the Board.

[Liquefied Petroleum Gas Bd., Rule 9 part § F, eff. 5-31-74] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-13-95; R073-10, 12-16-2010)

NAC 590.350 Certificate of competency: Expiration. (NRS 590.505, 590.515, 590.549) Each certificate of competency is valid for 1 year and expires on the last day of the month in which the certificate was issued.

[Liquefied Petroleum Gas Bd., Rule 9 § C & part § F, eff. 5-31-74] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-13-95; R141-01, 7-30-2002; R073-10, 12-16-2010)

NAC 590.360 Certificate of competency: Renewal. (NRS 590.505, 590.515, 590.549) A person may renew a certificate of competency if the person:

1. Submits to the examination required by the Board pursuant to NAC 590.320 before the certificate expires;

2. During the period the certificate is valid, completes at least 8 continuing education units from any course which was approved by the Board before the certificate expires; or

3. Provides proof of continuous employment in the area specified on his or her certificate of competency during the period the certificate was valid.

[Liquefied Petroleum Gas Bd., Rule 9 § G, eff. 5-31-74] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-13-95; R141-01, 7-30-2002; R148-05, 2-23-2006; R073-10, 12-16-2010)

NAC 590.365 Certificate of competency: Approval of courses for continuing education. (NRS 590.505, 590.515, 590.549)

1. The Board will review educational courses to determine whether a course may be used to meet the requirements for continuing education set forth in subsection 2 of NAC 590.360. If the Board determines that a course may be used to meet those requirements, the Board will approve the course and determine the number of continuing education units that may be awarded for the successful

completion of the course. The Board will maintain a list of all courses approved pursuant to this subsection.

2. If a course is not on the list of approved courses, the holder of a certificate of competency may request that the Board approve the course.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R148-05, eff. 2-23-2006)

NAC 590.380 Certificate of competency: Lapse; suspension; revocation; reapplication. (NRS 590.505, 590.515, 590.549, 590.605)

1. If a certificate of competency expires for failure to apply for renewal, a new certificate will be issued by the Board to the holder of the expired certificate only upon his or her completion of an application for renewal.

2. An order by the Board suspending a certificate of competency will be followed in all cases by a further order:

- (a) Vacating the order of suspension, thereby renewing the original certificate; or
- (b) Permanently revoking the certificate.

3. Upon the suspension of a certificate of competency, the Board will not renew the original certificate until the holder of the certificate passes the prescribed oral or written examination, or both.

4. An application for the issuance of a new certificate of competency will not be accepted, entertained or acted upon while an order of suspension of the certificate of the applicant is in effect.

5. If the Board has revoked a certificate of competency pursuant to the provisions of NRS 590.605, a new certificate will not be issued to the person whose certificate was revoked until he or she passes the prescribed oral or written examination, or both.

6. A period of at least 6 months from the date of the order of revocation of a certificate of competency must elapse before a person who has had a certificate revoked may reapply for examination and issuance of a new certificate.

7. If a certificate of competency is issued to a person pursuant to subsection 2 of NAC 590.320, the Board may suspend or revoke the certificate of competency issued pursuant to that subsection if the Board determines that the certification issued to the person by another public agency or private entity has been suspended or revoked by the public agency or private entity.

[Liquefied Petroleum Gas Bd., Rule 9 § H, eff. 5-31-74] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-13-95; R141-01, 7-30-2002; R148-05, 2-23-2006; R073-10, 12-16-2010)

Installations

NAC 590.450 Installation for dispensing LP gas for resale. (NRS 590.505, 590.515, 590.519, 590.521)

1. Any installation built for the purpose of dispensing LP gas for resale must be approved by the Board before installation.

2. A detailed plan of piping, crash posts, fencing, tank size and clearances and other safety features must be submitted to, and be approved by, the Board before installation.

[Liquefied Petroleum Gas Bd., Rule 5, eff. 5-31-74] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-23-91)

NAC 590.452 Installation and modification of LP gas equipment. (NRS 590.505, 590.515, 590.519, 590.521)

1. Except as otherwise provided in subsection 3, before installing or modifying any LP gas equipment at an installation, a person or business must:

(a) Request approval from the Board or its staff, on a form provided by the Board, to install or modify the LP gas equipment; and

(b) Submit for approval from the Board or its staff, a detailed plan for the proposed installation or modification of LP gas equipment at the installation.

2. If the Board or its staff approves a request and plan submitted pursuant to subsection 1, the Board or staff will issue the approval to the person or business in writing and place a copy of the approval on file in the office of the Board.

3. The provisions of this section do not apply to the routine maintenance of an installation.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R073-10, eff. 12-16-2010)

NAC 590.454 Installation for dispensing LP gas. (NRS 590.505, 590.515, 590.519, 590.521)

1. If an installation built for the purpose of dispensing LP gas:

(a) Is built or initially licensed after January 1, 2011; and

(b) Is required to have the capability to remotely close or shut off more than one safety device, the installation must have a single common activation point for all safety devices. Each safety device must remain closed or shut off when not in use.

2. As used in this section, "safety device" means an internal valve, emergency shut-off valve or electrical disconnect.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R073-10, 12-16-2010, eff. 12-16-2011)

NAC 590.456 Installation of cabinet for LP gas cylinder exchange. (NRS 590.505, 590.515, 590.519, 590.521)

1. Except as otherwise provided in subsection 2, each cabinet installed for LP gas cylinder exchange must have a clearance of not less than 5 feet on the front and each side of the cabinet.

2. Clearance between the sides of each cabinet for LP gas cylinder exchange is not required if the cabinets are installed in a group.

3. A sign must be posted on the front of each cabinet for LP gas cylinder exchange. The sign must:

(a) Be white with red letters that are not less than 2 inches in height.

(b) Contain the words "NO SMOKING," "FLAMMABLE" and "PROPANE."

(c) Include a telephone number for emergencies.

4. Any open flame must be kept at least 10 feet from each cabinet for LP gas cylinder exchange.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R073-10, eff. 12-16-2010)

NAC 590.460 Installation of tanks. (NRS 590.505, 590.515, 590.519, 590.521) All loading and unloading connections at dealer plants must be secured to a steel bulkhead or an equivalent device designed to withstand a horizontal pull of at least 2,000 pounds in any direction unless other adequate protection is provided. This bulkhead must not be located underneath the tank. The loading and unloading connections must be firmly secured to the bulkhead, and the line between the bulkhead and tank must be installed in a manner to provide for expansion, contraction, jarring, vibrations and settling. The bulkhead must be located at least 25 feet away from the nearest important building or line of adjoining property. When in the opinion of the Board the bulkhead is necessary for the safety of the place of employment, it must be required at storage plants other than dealer plants.

[Liquefied Petroleum Gas Bd., Rule 6, eff. 5-31-74] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-23-91)

NAC 590.480 Installation of underground tank; removal of abandoned tank. (NRS 590.505, 590.515, 590.519, 590.521)

1. Permission to install an underground tank must be obtained from the Board before any commencement of work. The permission will be given to the dealer in writing with a copy placed on file in the office of the Board.

2. The form will have the name of the dealer installing the underground tank with the date of installation and all pertinent information pertaining to the type of tank, capacity, manufacturer and the date of manufacture.

3. When an underground tank is abandoned, that is no longer being serviced by the dealer, the tank must be removed 90 days after termination of use or service. Before removal of any underground tank, the dealer must first notify the inspector.

[Liquefied Petroleum Gas Bd., Rule 12, eff. 5-31-74] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-23-91)

~~— **NAC 590.500 Transfer of gas.** (NRS 590.505, 590.515, 590.519, 590.521, 590.610)~~

~~— 1. Except as may be authorized by variance granted by the Board upon a written application, no container of LP gas larger in capacity than 1 gallon may be filled for resale by gravity flow.~~

~~— 2. Any cylinder not equipped with an outage valve must be filled by weight.~~

~~— [Liquefied Petroleum Gas Bd., Rule 4, eff. 5-31-74]~~

NAC 590.520 Reports of accidents. (NRS 590.505, 590.515, 590.519)

1. Any accident where a licensee is involved, and where it is possible that LP gas was a contributing factor, must be reported to the Board in writing by the affected licensee immediately upon receipt of information of the accident. The report must contain any pertinent information such as the location, names of persons involved and the type of accident.

2. If death or serious personal injury or injuries requiring hospitalization of persons or property damage of \$2,000 or more results from the accident, the report must be made to the Board by telephone and followed by a written report.

[Liquefied Petroleum Gas Bd., Rule 3, eff. 5-31-74] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-23-91; 10-17-94)

NAC 590.530 Condemnation of installations. (NRS 590.505, 590.515, 590.519)

1. The safety inspector may condemn any installation that is faulty or hazardous and any container of LP gas that does not meet the requirements of this chapter.

2. Condemnation of any containers must be accomplished by attaching to the container a notice of condemnation with a seal.

3. The inspector shall notify the supplier and the property owner at the time he or she condemns any installation and inform them in writing of the condemnation with instructions that the violation must be corrected within 10 days or as otherwise specified by the inspector. A copy of the condemnation must be forwarded to the Board for its files.

4. The Board will furnish the appointed inspector with adequate identification issued by the State of Nevada.

[Liquefied Petroleum Gas Bd., Rule 1, eff. 5-31-74] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-23-91)

Containers

NAC 590.550 Maintenance of access. (NRS 590.505, 590.515, 590.519, 590.521) The person who has legal control of the premises upon which a container is installed shall, at all times, maintain clear access to that container for safety, service or removal.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas, eff. 5-27-92)

NAC 590.560 Disconnection from service; removal at request of customer; licensee prohibited from charging fee solely for termination of service by customer. (NRS 590.505, 590.515, 590.519, 590.521, 590.537)

1. Any person who disconnects a container from service shall immediately:
 - (a) Secure the container against tampering; and
 - (b) Secure the container against leakage by plugging the service valve or by any other method approved by the Board.
2. Upon receipt of a written request from a customer to remove a container from his or her premises, a person licensed by the Board pursuant to NRS 590.575 in class 1 or class 2 shall, except as otherwise provided in subsection 3, remove the container within 30 days after the receipt of the request.
3. The time limitation set forth in subsection 2 may be extended:
 - (a) By not more than 15 days, if both the customer and licensee agree in writing to the extension;
 - (b) By not more than 30 days, if the safety inspector employed by the Board determines that extenuating circumstances, such as severe weather, necessitate the extension; or
 - (c) By more than 30 days, if the Board, upon the request of the customer or licensee, determines that circumstances necessitate the extension.
4. A licensee shall not charge a fee to a customer solely for the termination of service by the customer.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas, eff. 5-27-92; A by R073-10, 12-16-2010)

Regulations Adopted by Reference

NAC 590.600 Adoption by reference of regulations for liquefied petroleum gas. (NRS 590.505, 590.515) The Board adopts by reference the regulations contained in *NFPA 58: Liquefied Petroleum Gas Code*, 2008 edition, and any subsequent edition issued by the National Fire Protection Association which has been approved by the Board for use in Nevada. Each new edition shall be deemed approved by the Board unless the edition is disapproved by the Board within 120 days after the date on which the Board receives the printed publication from the National Fire Protection Association. The Board will review each edition issued after the 2008 edition to ensure its suitability for Nevada. The most current edition that has been approved by the Board is available for purchase from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269, by telephone at (800) 344-3555 or on the Internet at <http://www.nfpa.org>, for the price of \$42.75 for members and \$47.50 for nonmembers.

[Liquefied Petroleum Gas Bd., part Liquid Gas Reg., eff. 2-25-73] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-23-91; 12-13-95; R014-03, 2-18-2004; R073-10, 12-16-2010)

NAC 590.610 Adoption by reference of regulations for fuel gas. (NRS 590.505, 590.515) The Board adopts by reference the regulations contained in *NFPA 54: National Fuel Gas Code*, 2009 edition, and any subsequent edition issued by the National Fire Protection Association which has been approved by the Board for use in Nevada. Each new edition shall be deemed approved by the Board unless the edition is disapproved by the Board within 120 days after the date on which the Board receives the printed publication from the National Fire Protection Association. The Board will review each edition issued after the 2009 edition to ensure its suitability for Nevada. The most current edition that has been approved by the Board is available for purchase from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269, by telephone at (800) 344-3555 or on the Internet at <http://www.nfpa.org>, for the price of \$42.75 for members and \$47.50 for nonmembers.

[Liquefied Petroleum Gas Bd., part Liquid Gas Reg., eff. 2-25-73] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-23-91; 12-13-95; R014-03, 2-18-2004; R073-10, 12-16-2010)

NAC 590.615 Adoption by reference of regulations for use of flame effects before audience. (NRS 590.505, 590.515) The Board adopts by reference the regulations contained in *NFPA 160: Standard for the Use of Flame Effects Before an Audience*, 2006 edition, and any subsequent edition issued by the National Fire Protection Association which has been approved by the Board for use in Nevada. Each new edition shall be deemed approved by the Board unless the edition is disapproved by the Board within 120 days after the date on which the Board receives the printed publication from the National Fire Protection Association. The Board will review each edition issued after the 2006 edition to ensure its suitability for Nevada. The most current edition that has been approved by the Board is available for purchase from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269, by telephone at (800) 344-3555 or on the Internet at <http://www.nfpa.org>, for the price of \$33.30 for members and \$37.00 for nonmembers.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R148-05, eff. 2-23-2006; A by R073-10, 12-16-2010)

NAC 590.620 Adoption by reference of regulations for manufactured home installations, sites and communities. (NRS 590.505, 590.515) The Board adopts by reference the regulations contained in *NFPA 501A: Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities*, 2005 edition, and any subsequent edition issued by the National Fire Protection Association which has been approved by the Board for use in Nevada. Each new edition shall be deemed approved by the Board unless the edition is disapproved by the Board within 120 days after the date on which the Board receives the printed publication from the National Fire Protection Association. The Board will review each edition issued after the 2005 edition to ensure its suitability for Nevada. The most current edition that has been approved by the Board is available for purchase from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269, by telephone at (800) 344-3555 or on the Internet at <http://www.nfpa.org>, for the price of \$28.35 for members and \$31.50 for nonmembers.

[Liquefied Petroleum Gas Bd., part Liquid Gas Reg., eff. 2-25-73] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-23-91; 12-13-95; R014-03, 2-18-2004; R073-10, 12-16-2010)

NAC 590.640 Adoption by reference of regulations for recreational vehicles. (NRS 590.505, 590.515) The Board adopts by reference the regulations contained in *NFPA 1192: Standard on Recreational Vehicles*, 2008 edition, and any subsequent edition issued by the National Fire Protection Association which has been approved by the Board for use in Nevada. Each new edition shall be deemed approved by the Board unless the edition is disapproved by the Board within 120 days after the date on which the Board receives the printed publication from the National Fire Protection Association. The Board will review each edition issued after the 2008 edition to ensure its suitability for Nevada. The most current edition that has been approved by the Board is available for purchase from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269, by telephone at (800) 344-3555 or on the Internet at <http://www.nfpa.org>, for the price of \$33.30 for members and \$37.00 for nonmembers.

[Liquefied Petroleum Gas Bd., part Liquid Gas Reg., eff. 2-25-73] — (NAC A by Bd. for Reg. of Liquefied Petrol. Gas, 12-23-91; 12-13-95; R014-03, 2-18-2004; R073-10, 12-16-2010)

Administrative Proceedings

NAC 590.644 Definitions. (NRS 590.505, 590.515) As used in NAC 590.644 to 590.690, inclusive, unless the context otherwise requires:

1. "Licensee" includes:

(a) A person who is licensed by the Board or who holds a certificate of competency issued by the Board pursuant to NRS 590.465 to 590.645, inclusive, and NAC 590.100 to 590.690, inclusive; and

(b) An applicant for such a license or certificate.

2. "Presiding officer" means the Chair of the Board or any member of the Board designated by the Chair to preside over a hearing or matter before the Board.

3. "Staff" means the staff of the Board.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R014-03, eff. 2-18-2004)

NAC 590.646 Limitation on time for filing complaint against licensee ~~for request for mediation~~. (NRS 590.505, 590.515) Any complaint against a licensee ~~for request for mediation~~ must be filed with the Board within 1 year after the date of the alleged violation.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R148-05, eff. 2-23-2006)

NAC 590.647 Staff: Logging and recording of certain records. (NRS 590.505, 590.515) The staff shall log and record all records relating to inquiries, ~~requests for mediation and~~ written complaints, including, without limitation, memos of relevant conversations, all correspondence relating to a ~~request for mediation or a~~ complaint, the minutes of any hearing and a copy of the resolution ~~of the request for mediation~~ or the complaint.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R014-03, eff. 2-18-2004)

NAC 590.648 Confidentiality of certain documents and information. (NRS 590.505, 590.515)

1. Except as otherwise provided in this section or NRS 590.505 or 590.605, a complaint filed with the Board, any documents or other information filed with the complaint and any documents or other information compiled as a result of an investigation by the Board are confidential.

2. A complaint filed on behalf of the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R148-05, eff. 2-23-2006)

NAC 590.650 Filing of *complaint* ~~accusation~~ against licensee; *mediated* resolution of matter. (NRS 590.505, 590.515)

1. A person may file a ~~an~~ *complaint* ~~accusation~~ against a licensee concerning the prices, rates, services or other acts of the licensee. A ~~an~~ *complaint* ~~accusation~~ filed with a member of the staff against a licensee will be referred to the licensee if, *after investigation*, that *staff* member deems it ~~necessary~~ *acceptable* for a *mediated* ~~possible~~ resolution. A ~~an~~ *complaint* ~~accusation~~ filed against a licensee will be processed as a request for mediation unless the person filing the ~~accusation specifically requests that disciplinary action be taken against the licensee.~~ *the investigating staff member determines that the complaint is not acceptable for a mediated resolution.*

2. *Upon receipt of a complaint, a staff member will contact the complainant to confirm that the complainant is agreeable to having the issues identified in the complaint resolved via a mediated resolution. ~~If a person wishes to file an accusation against a licensee which does not specifically request that disciplinary action be taken against the licensee, a member of the staff shall send to the person a request for mediation and a referral list. The referral list will include the names of agencies to which the~~*

~~accusation may be referred. The person must complete the request for mediation and return it to the Board.]~~

3. *After the investigating staff member determines that a complaint is acceptable for a mediated resolution [Upon the receipt of a completed request for mediation], [a member of the] the investigating staff member shall [send copies of the request for mediation] summarize the complaint and send a copy of the summary, via electronic mail or U.S. mail to the licensee and, if applicable, the management of the licensee. The summary of the complaint shall instruct the licensee, or management of the licensee to contact the investigating staff member within 15 days of receipt to discuss possible mediated resolution.*

4. *Any mediated resolution of a complaint by a staff member must not include fines or costs paid by the licensee to the Board and must be in writing signed by the complainant and the licensee or management of the licensee.*

~~[4. Within 15 days after receipt of the request for mediation, the licensee shall notify the staff as to whether the licensee and the person who filed the request for mediation were able to resolve the matter raised in the request for mediation.]~~

5. ~~[If the licensee and the person who filed the request for mediation were not able to resolve the matter raised in the request for mediation,]~~ *All mediated resolutions of complaints must be placed on the record at the Board's next scheduled meeting. The Board's staff will place the mediated settlement on the agenda, and present the settlement to the Board on the record for approval. The Board may vote to approve, modify, or deny the settlement. [hold a hearing to mediate the accusation. The mediation hearing will be held in conjunction with a regularly scheduled meeting of the Board.]*

6. If the matter raised in the *complaint [request for mediation]* cannot be resolved ~~[at the mediation hearing]~~, the *investigating staff member [Board]* will advise the licensee and the person who filed the *complaint [request for mediation]* of that fact and *shall convert the complaint into [inform the person who filed the request for mediation of the option to file a disciplinary complaint] an administrative citation pursuant to NAC 590.237 or a formal complaint* against the licensee pursuant to NAC 590.654.]

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas, eff. 7-19-90; A by R014-03, 2-18-2004)

~~**[NAC 590.654 — Informal complaint: Filing and processing; notification of licensee; response; review and investigation; production and copying of records and other evidence. (NRS 590.505, 590.515)**~~

~~—1. A person may file a complaint with the Board concerning the acts of or services provided by a licensee if:~~

~~—(a) The person wishes to file an accusation against the licensee and specifically requests that disciplinary action be taken against the licensee; or~~

~~—(b) The person filed a request for mediation pursuant to NAC 590.650 and the Board, the licensee and the person who filed the request for mediation were unable to resolve the matter raised in the request for mediation.~~

~~—2. The Board will process:~~

~~—(a) A citation issued by the Board pursuant to subsection 2 of NRS 590.605; and~~

~~—(b) If the circumstances so warrant, a petition under NRS 233B.120;~~

~~Ê as a complaint filed pursuant to this section.~~

~~—3. The Board will initially consider any complaint filed against a licensee pursuant to this section as an informal complaint. The informal complaint must be verified by the affidavit of the complainant and be filed with the Board on a form provided by the Board. The complainant shall include with his or her informal complaint information that is sufficiently detailed so as to enable the licensee to prepare a response.~~

~~—4. Upon receipt of an informal complaint, the staff shall examine the informal complaint to determine whether it:~~

~~—(a) Has been properly verified; and~~

~~—(b) Alleges sufficient facts to warrant further proceedings.~~

~~—5. If the staff determines that an informal complaint has been properly verified and alleges sufficient facts, the staff shall notify the licensee of the informal complaint by sending a copy or summary of the informal complaint to the licensee by certified mail. The notification must set forth the potential violations of NRS 590.465 to 590.645, inclusive, or NAC 590.100 to 590.690, inclusive, raised in the informal complaint and request a written response from the licensee for review by the staff. The licensee shall submit a written response to the informal complaint or summary to the Board:~~

~~—(a) Not later than 15 days after the date on which the informal complaint or summary is personally served on the licensee; or~~

~~—(b) If the informal complaint or summary is not personally served on the licensee, not later than 15 days after the date on which the informal complaint or summary is deposited in the United States mail as certified mail addressed to the licensee at his or her address of record.~~

~~—6. A written response to an informal complaint or a summary must respond to the allegations made in the informal complaint or summary and be accompanied by all documentation that would be useful to the staff in its review of the allegations made in the informal complaint or summary and the responses of the licensee to those allegations. If a licensee fails to respond as required by this section, the licensee shall be deemed to have admitted the allegations in the informal complaint or summary. Based on these admissions, the Board may impose appropriate discipline on the licensee in the same manner as if the allegations had been proven by substantial evidence at a hearing on a formal complaint.~~

~~—7. Upon the filing of a written response pursuant to this section, the staff shall review the informal complaint and the responses made thereto, may enlist the aid of any member of the Board or other qualified person in conducting the review and may take any other reasonable action necessary to further the review. After its review of the informal complaint and the responses made thereto, the staff may:~~

~~—(a) Investigate the allegations and employ such persons as the staff deems necessary to further the investigation;~~

~~—(b) Consult persons with expertise in the appropriate field and employ those persons for the purposes of an investigation or a hearing;~~

~~—(c) Investigate new leads and allegations that the staff learns of in the course of the investigation;~~

~~—(d) Enlist the aid of any member of the Board or other qualified person in conducting the investigation; and~~

~~—(e) Take any other reasonable action necessary to further the investigation.~~

~~—8. During an investigation of an informal complaint, the staff or an investigator for the Board may demand that a licensee produce any record or other evidence for inspection or copying, with or without prior notice to the licensee and with or without a subpoena. A licensee shall not deny a request for a record or other evidence if the record or other evidence is not otherwise declared to be confidential by a specific statute. If a licensee refuses or fails to cooperate with a request for a record or other evidence in violation of this section, the Board may immediately suspend his or her license or certificate until the licensee complies with the request. If the licensee continues to refuse or to fail to cooperate with such a request in violation of this section, the Board may take such further disciplinary action against the licensee as the Board determines necessary.~~

~~—9. If the staff or investigator determines that a specific record or other specific evidence that the licensee is required to produce is material to or necessary for an investigation, the staff or investigator may remove the record or evidence and provide a copy of the record or evidence to the licensee. If a record or other evidence can be readily copied at the location where the record or evidence is located, the staff or investigator shall make a copy of the record or evidence at that location. If the record or~~

~~other evidence cannot be readily copied at that location, the staff or investigator may remove the record or evidence from that location for copying.~~

~~— 10. Upon the removal of a record or other evidence pursuant to this section, the staff or investigator shall provide the person to whom the record or evidence belongs with a receipt for the record or evidence and, not later than 5 business days after the record or evidence is removed, provide a copy of the record or evidence to that person.~~

~~—(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R014-03, eff. 2-18-2004))~~

NAC 590.657 Procedure following investigation of ~~[informal]~~ complaint; notice of hearing and formal complaint; answer. (NRS 590.505, 590.515)

1. When the investigation of a ~~[n-informal]~~ complaint is complete, the staff and, if applicable, the investigator for the Board shall determine whether substantial evidence exists to sustain the alleged violation of a statute or regulation set forth in the ~~[informal]~~ complaint. If the staff and investigator determine that no such allegation set forth in the complaint can be sustained, the staff shall notify, in writing, the complainant and licensee of that determination.

2. If the staff and investigator determine that a violation of a statute or regulation as alleged in the complaint can be sustained, the legal counsel for the Board shall~~[-:]~~

~~[- (a) Offer to the complainant and licensee [mediation], a settlement agreement, a stipulation of facts and liability, or a [n-informal] hearing; or~~

~~[(b) P]prepare a notice of hearing and a formal complaint.~~

~~— [3. If any [mediation,] settlement agreement[,], stipulation of facts and liability, [or informal hearing offered by the legal counsel for the Board pursuant to paragraph (a) of subsection 2 fails to resolve the matter, the legal counsel for the Board shall prepare a notice of hearing and a formal complaint pursuant to paragraph (b) of subsection 2.]~~

4. In addition to the requirements set forth in NRS 233B.121, a notice of hearing and a formal complaint must be signed by the legal counsel for the Board and *the Chief Inspector of the Board*. ~~[-, if a member of the Board was active in the investigation, by that member.]~~

5. The staff shall send a notice of hearing and a formal complaint prepared pursuant to this section to the licensee named in the notice by certified mail.

6. A licensee who receives a notice of hearing and a formal complaint shall file an answer to the notice of hearing and the formal complaint with the Board:

(a) Not later than 15 days after the date on which the notice of hearing and the formal complaint are personally served on the licensee; or

(b) If the notice of hearing and the formal complaint are not personally served on the licensee, not later than 15 days after the date on which the notice of hearing and the formal complaint are deposited in the United States mail as certified mail addressed to the licensee at his or her address of record.

7. An answer to a notice of hearing and a formal complaint must include a response to each allegation and statement made in the notice of hearing and the formal complaint by either admitting to or denying the allegation or statement.

8. If a licensee fails to file an answer as required by this section, the licensee shall be deemed to have admitted each allegation and statement contained in the notice of hearing and the ~~[formal]~~ complaint. Based on these admissions, the Board may enter a finding and impose appropriate discipline on the licensee in the same manner as if the allegations had been proven by substantial evidence at a hearing held on the ~~[formal]~~ complaint.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R014-03, eff. 2-18-2004)

NAC 590.660 Joining of ~~[formal]~~ complaints. (NRS 590.505, 590.515) The Board may join two or more ~~[formal]~~ complaints into one formal complaint if:

1. The ~~{causes of action}~~ *allegations contained in* ~~{of}~~ each ~~{formal}~~ complaint are against the same person and deal with substantially the same or similar violations of statutes or regulations; and
2. The Board determines that the joining of the ~~{formal}~~ complaints will serve the best interests of the Board and the parties involved.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R014-03, eff. 2-18-2004)

NAC 590.664 Exchange of copies of documents and lists of witnesses. (NRS 590.505, 590.515)

1. Not later than 10 days after a licensee files an answer to a notice of hearing and a ~~{formal}~~ complaint pursuant to NAC 590.657, the legal counsel for the Board and the licensee shall provide to each other, respectively:

(a) Copies of all documents that are reasonably available to him or her which he or she reasonably anticipates will be used to support his or her position; and

(b) A written list of the names of the witnesses whom he or she reasonably anticipates calling to testify at the hearing to support his or her position. The list must include the name and address, and a general description of the anticipated subject matter of the testimony, of each such witness.

2. If, after initially providing the copies of documents and the list of witnesses pursuant to subsection 1, the legal counsel for the Board or the licensee reasonably anticipates that other documents or witnesses will be used to support his or her position, or if any document or information previously provided changes, he or she shall forthwith supplement and update his or her submission to the other party.

3. If the legal counsel for the Board or the licensee fails to provide copies of documents or the list of witnesses, or any updated information relating thereto, as required by this section, the presiding officer may exclude the undisclosed document, the testimony of the undisclosed witness or the undisclosed information at the hearing.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R014-03, eff. 2-18-2004)

~~— **NAC 590.667 Discovery. (NRS 590.505, 590.515) Discovery may only be undertaken in accordance with NAC 590.644 to 590.690, inclusive. The Board will not allow the taking of depositions.**~~

~~— (Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R014-03, eff. 2-18-2004)~~

~~[**NAC 590.670 Prehearing conference; orders and rulings on preliminary matters. (NRS 590.505, 590.515)**~~

~~— 1. The presiding officer may order a prehearing conference on a formal complaint and may enter such prehearing orders and rulings on preliminary matters as he or she determines are appropriate for the efficient conduct of the hearing on the formal complaint. Such orders and rulings may include, without limitation, orders and rulings concerning:~~

~~— (a) The exchange of written direct testimony of witnesses.~~

~~— (b) The exclusion of particular testimony or evidence.~~

~~— (c) The admission of particular testimony and other exhibits by agreement of the parties.~~

~~— (d) The marking in advance of all exhibits.~~

~~— (e) The exchange by the parties of written prehearing statements or briefs similar to pretrial statements or briefs filed in district court.~~

~~— (f) Settlement negotiations. Settlement negotiations, and the statements of the parties relating thereto, made at a prehearing conference are not admissible in evidence at the hearing unless the parties agree and the agreement is incorporated in a prehearing order.~~

~~— (g) Scheduling matters.~~

~~— (h) Protective orders.~~

~~— (i) The admissibility of evidence.~~

- ~~—(j) Any other procedural or prehearing matter.~~
- ~~—2. A ruling on a preliminary matter is subject to reconsideration by the entire Board upon the request of a member of the Board or upon the motion of a party.~~
- ~~—3. The failure of a party who is adversely affected by a ruling on a preliminary matter to move for reconsideration of the ruling does not constitute:~~
 - ~~—(a) Consent to the ruling; or~~
 - ~~—(b) A waiver of any objection previously made to the ruling.~~
- ~~—4. For the purposes of this section, a matter is a preliminary matter if it is not dispositive of a contested case or a substantive issue in a contested case.~~
- ~~—(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R014-03, eff. 2-18-2004)]~~

~~[**NAC 590.674 Motions.** (NRS 590.505, 590.515)~~

- ~~—1. A motion concerning any matter before the Board must be made in writing, unless the motion is made during a hearing on that matter. The presiding officer may deny as untimely:~~
 - ~~—(a) Any motion made during a hearing if the motion could have reasonably been made before the hearing; and~~
 - ~~—(b) Any motion that is filed on a date that does not provide the opposing parties a reasonable time to respond.~~
- ~~—2. A written motion must set forth the nature of the relief sought by and the grounds for the motion.~~
- ~~—3. A party may oppose a written motion by filing a written response to the motion with the Board and serving a copy of the response on all other parties to the proceeding to which the motion relates within 10 days after the written motion is filed.~~
- ~~—4. If a written response to a written motion is filed, the party who made the written motion may file and serve a written reply to the response.~~
- ~~—5. Except as otherwise provided in this section, the presiding officer shall rule on all written motions on a matter at or before the hearing scheduled on the matter. The presiding officer may rule on any motion without oral argument or may allow oral arguments to be made before ruling on the motion. If the presiding officer allows oral arguments on a written motion to be made, the presiding officer shall set a time and date for hearing the oral arguments.~~
- ~~—6. The presiding officer may require the Board to vote to decide a motion.~~
- ~~—(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R014-03, eff. 2-18-2004)]~~

NAC 590.677 Hearings: Procedure; documents included in record; ~~posthearing briefs~~. (NRS 590.505, 590.515) For any hearing before the Board:

1. The presiding officer shall call the hearing to order and take the appearances on behalf of the Board and the licensee.
2. The notice of hearing, any *citation*, petition, answer, response or written stipulation, and if the hearing concerns a disciplinary matter, the notice of hearing and the formal complaint and any other responsive pleading relating thereto, become a part of the record without being read into the record unless a party requests that such a document be read into the record.
3. The legal counsel for the Board shall present the evidence for the Board first and, if the Board allows closing arguments, shall present the closing argument for the Board last.
4. Unless otherwise ordered by the presiding officer, and except as otherwise provided in this section, the order of presentation is as follows:
 - (a) Opening statement by the legal counsel for the Board.
 - (b) Opening statement by the respondent or the attorney for the respondent, who may choose to make the opening statement at the beginning of the respondent's case.

- (c) Testimony of witnesses offered by the legal counsel for the Board as follows:
 - (1) Direct examination by the legal counsel for the Board;
 - (2) Cross-examination by the respondent or the attorney for the respondent;
 - (3) Redirect examination by the legal counsel for the Board; and
 - (4) Recross-examination by the respondent or the attorney for the respondent.
- (d) Testimony of witnesses offered by the respondent, as follows:
 - (1) Direct examination by the respondent or the attorney for the respondent;
 - (2) Cross-examination by the legal counsel for the Board;
 - (3) Redirect examination by the respondent or the attorney for the respondent; and
 - (4) Recross-examination by the legal counsel for the Board.
- (e) If applicable, closing arguments by the respondent or the attorney for the respondent.
- (f) If applicable, closing arguments by the legal counsel for the Board.
- 5. A member of the Board may, at any time during the hearing:
 - (a) Question a witness; and
 - (b) Request or allow additional evidence, including additional or documentary evidence.

6. If the hearing is a consolidated hearing, the hearing must proceed in the same manner as described in this section with the order of the parties and the presentation of evidence to be determined by the presiding officer.

~~[—7. Posthearing briefs may be allowed by the presiding officer or upon a majority vote of the members of the Board. If such briefs are allowed, the Board will establish the time by which the briefs must be submitted]~~

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R014-03, eff. 2-18-2004)

NAC 590.680 Hearings: Appearance and representation of parties. (NRS 590.505, 590.515)

- 1. Except as otherwise provided in subsection 2, a party may appear at a hearing in person or by an attorney.
- 2. A party to a formal complaint shall attend the evidentiary hearing on the merits of the ~~formal~~ complaint in person unless the presiding officer waives the requirement of the attendance of the party.
- 3. If a party who is required to attend a hearing in person fails to do so without having obtained a waiver of the requirement of his or her attendance pursuant to subsection 2, the Board may:
 - (a) Determine that the party's failure to attend the evidentiary hearing in person shall be deemed:
 - (1) An admission of all matters and facts contained in the record with respect to the party; and
 - (2) A waiver of the right to an evidentiary hearing; and
 - (b) Take action based upon such admission or upon any other evidence, including affidavits, without any further notice or a hearing.
- 4. If a party retains an attorney to represent the party before the Board, the attorney shall so notify the Board not later than 10 days after he or she is retained. ~~Thereafter:~~
 - ~~—(a) The attorney shall sign all motions, oppositions, notices, requests and other papers, including requests for subpoenas; and~~
 - ~~—(b) The Board will serve all notices, motions, orders, decisions, and other papers or pleadings upon the attorney.]~~
- 5. An attorney appearing as counsel in any proceeding must be an attorney at law, admitted to practice and in good standing before the highest court of any state. If the attorney is not admitted and entitled to practice before the Supreme Court of Nevada, the attorney must be associated with an attorney so admitted and entitled to practice.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R014-03, eff. 2-18-2004)

NAC 590.684 Disciplinary proceedings: Grounds for discipline. (NRS 590.505, 590.515, 590.605)

The following acts and omissions by a licensee are grounds for discipline:

1. Violating any provision of NRS 590.465 to 590.645, inclusive, or NAC 590.100 to 590.690, inclusive.
2. Failing to cooperate with the Board in the investigation of a request for mediation, a ~~an informal~~ complaint, *citation*, or a formal complaint, including, without limitation, failing to file a written response as required by NAC 590.654 and failing to file an answer as required by NAC 590.657.
3. Failing to respond to a request for mediation.
4. Failing to attend a disciplinary hearing without having obtained a waiver of the requirement of the licensee's attendance.
5. Conducting business after his or her license or certificate of competency has lapsed if the license or certificate has not been renewed.
6. Conducting business after the insurance required by NAC 590.270 has lapsed if the insurance has not been renewed.
7. Willfully making a false report, record or claim in his or her business.
8. Failing to comply with a settlement agreement, an order of the Board or any other disposition of a prior disciplinary action or mediation.
9. Advertising the licensee's business in a manner that is:
 - (a) False; or
 - (b) Intended or has a tendency to:
 - (1) Deceive or mislead the public; or
 - (2) Create unrealistic expectations in any particular case.
10. Engaging in any other conduct that the Board determines constitutes unfitness or incompetence to engage in activities that are authorized by his or her license.
11. Acting or conducting the licensee's operations in any manner which the Board deems to be inimical to and not in the best interests of the health, safety or welfare of the people of this State.
12. Being subject to disciplinary action in which a board or any other similar entity in this State or in another state which has issued a license, certificate, registration or other credential in a related field to the licensee revokes or suspends the license, certificate, registration or other credential or takes any other disciplinary action against the licensee. As used in this subsection, a "license, certificate, registration or other credential in a related field" includes, without limitation, a general contractor's license and a steam fitter's license.
13. Delivering a lesser quantity of gas than the amount for which the licensee bills a customer with the intent to defraud the customer.

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R014-03, eff. 2-18-2004)

NAC 590.687 *Formal Complaint or Contested Citation* ~~[Disciplinary proceedings]~~: Final order or decision of Board. (NRS 590.505, 590.515, 590.605)

1. After an evidentiary hearing on the merits in a disciplinary proceeding, if the Board finds that the licensee is:
 - (a) Not guilty as charged in the formal complaint *or citation*, the Board will issue a final order or decision dismissing the charges and notify the licensee and the complainant that the charges have been dismissed.
 - (b) Guilty as charged in the formal complaint *or citation*, the Board will:
 - (1) Before agreeing on a punishment, consider all relevant factors, including, without limitation:
 - (I) The danger to the health or safety of the public created by the violation;
 - (II) The economic benefit received by the licensee from the violation;
 - (III) Any mitigation or aggravation by the licensee of the effects of the violation;

- (IV) The extent to which the licensee demonstrates his or her good faith;
 - (V) Any previous history of violations by the licensee;
 - (VI) Whether the licensee knew or, as a competent person, should have known that the action complained of was a violation of a statute, a regulation or a condition of his or her license;
 - (VII) Whether the licensee has initiated remedial measures to prevent similar violations;
 - (VIII) The magnitude of penalties imposed on other licensees for similar violations;
 - (IX) The proportionality of the penalty in relation to the misconduct; and
 - (X) If the licensee offered evidence of mitigating factors, all such evidence;
- (2) Agree upon punishment that may, in addition to any other sanction authorized pursuant to NRS 590.465 to 590.645, inclusive, and NAC 590.100 to 590.690, inclusive, require the licensee to:
- (I) Fulfill certain training or educational requirements; and
 - (II) Pay all costs incurred by the Board relating to the disciplinary proceedings; and
 - (3) Issue and serve the final order or decision of the Board on the licensee.
2. A final order or decision by the Board that is adverse to the licensee must:
- (a) Be in writing;
 - (b) Except as otherwise provided in subsection 5 of NRS 233B.121, include findings of fact and conclusions of law; and
 - (c) Specifically set forth the punishment imposed on the licensee.
3. A final order or decision of the Board in a disciplinary proceeding is effective on the earliest of:
- (a) The date on which the final order or decision is personally served on the licensee;
 - (b) The date on which the final order or decision is posted at the premises of the licensee; or
 - (c) The third day after the date on which the final order or decision is deposited in the United States mail as certified mail addressed to the licensee at his or her address of record.
- (Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R014-03, eff. 2-18-2004)

NAC 590.690 Board authorized to recover investigative costs and impose penalty fees for violation of NRS 590.535. (NRS 590.505, 590.515, 590.605) The Board may recover investigative costs from and impose penalty fees on any person, firm or corporation that *is found in guilty of violations alleged in a formal complaint or citation.* ~~violates any provision of NRS 590.535.~~

(Added to NAC by Bd. for Reg. of Liquefied Petrol. Gas by R073-10, eff. 12-16-2010)